

**HAS NO CIRCULATION.**

The District Court Decides That the Topeka "Press"

**IS NOT OF "GENERAL CIRCULATION."**

It Has but 22 Papers on Its Weekly Mailing List in Shawnee County—A Big Real Estate Sale Set Aside on Account of It.

Judge Pro Tem Valentine, in the district court this morning, decided that the "Press" (weekly edition) is not a paper of general circulation, and a big real estate sale was set aside on the grounds that the publication of the sale notice in the "Press" was not legal.

The property involved was the Oak-land lots known as the Jenkins W. Morris property. This property was sold by the late Chester Thomas to Morris who took a mortgage on the land. A part of the lots were released and the Morris interests were transferred to Bartholomew & Norton. Mrs. Thomas then brought suit in the circuit court to foreclose the mortgage and the sale was advertised in the "Press" and the property was sold.

Bartholomew & Norton then brought suit in the district court to set aside the sale which was done today when Judge Valentine made the decision based on the evidence of publisher of the "Press" who testified in court that his weekly edition had but only 22 subscribers on its mailing list in Shawnee county. Judge Valentine said a paper which does not have more than 22 subscribers on its mailing list in a county with a population of 50,000, can not be said to be of general circulation.

The effect of this decision will simply be that the sale must be advertised in a paper of general circulation and the land sold again.

The decision will affect a number of papers which are frauds in the matter of circulation.

Judge Guthrie is to be commended for his energy in forcing the issue and making publishers tell just what their circulations are. Judge Guthrie has fought a number of cases in court on this very ground, involving other papers however. The Journal owns the justice a very kind acknowledgement for compelling the publisher to go on the witness stand in one case a few days ago and show the court just what the circulation of the weekly edition of the STATE JOURNAL is in Shawnee county. The publisher of this paper took with him to the stand long printed slips showing the mailing list for Shawnee county subscribers and gave his testimony in court showing the exact numbers sent to the various postoffices in the county. The evidence is there on file, and none can dispute the fact that the STATE JOURNAL weekly edition, has a general circulation in Shawnee county.

Judge Guthrie said to a JOURNAL man today, that he had made a special study of this matter and now knew from the evidence that the WEEKLY STATE JOURNAL has the general county circulation the law requires, and that he would put his legal notices in that paper hereafter and take no chances.

**CIRCUIT COURT IS LEGAL.**

Judge Valentine Decides This Important Point Today.

In deciding the Jenkins W. Morris case in the district court this morning Judge Pro Tem Valentine decided that the Shawnee county circuit court is a valid court and that its judgments may be enforced through the district court and under section seventeen of the act creating the circuit courts.

This decision of Judge Valentine's is of much importance, for the reason that several prominent members of the Topeka bar have been of the opinion that the circuit court was illegal because it was not able to enforce its own judgments. Judge Valentine's opinions are so highly considered, however, that this practically settles the validity of this court.

The judgments rendered by the circuit court, covering the three years of its existence, amount to over one million dollars, and it is an item of interest to know that these judgments may now be relied upon.

**FOREMAN DOOR CHECK CASE**

Foreman Says He Didn't Come Here on Purpose to Be Arrested.

The Foreman case for selling territory for a patent right in Topeka without a city license was resumed in the police court to-day.

The evidence showed that Foreman had given a man named Williams a twelve year lease to Kansas for the sale of his automatic door-lock. The men with models of the apparatus on the street did not have any for sale, or did they take orders. One of the models and Foreman's patent-papers were presented as evidence. At 11 o'clock City Attorney Tillotson for the prosecution and Lawyer Ed McKeever for the defense, began their arguments. This afternoon Judge Esenmenger announced that the case would be taken under advisement.

Tillotson asked Foreman, "Didn't you come to Topeka solely for the purpose of getting arrested, so you could sue the city?"

Foreman replied, "No sir, I have made \$7,000 in Topeka, and I will sue the city because my business transactions have been interrupted."

**Ladies' Hand Powder MINI Explodes.**

TOPEKA, KAN., Jan. 6.—The Laffin & Sand powder mill at Rifton, Ulster county, twelve miles from this city, blew up at 7 o'clock this morning. Four men were killed and several badly wounded. The dead are: Gardner Friendenburg, Solomon Friendenburg, Joseph Saunders and — Kipp.

**Seditious Letters Seized.**

PARIS, Jan. 6.—The police have seized at the house of Flissie Reutis, brother of the fugitive Paul Reutis, the friend of Villain, over sixty letters from French, Swiss and German anarchists.

**LOCAL MENTION.**

The complete list of today's supreme court decisions appears in tonight's five o'clock edition.

Rev. Mr. Smith has been asked to deliver an address on "City Evangelization," before the National Conference of Preachers of the church at St. Louis, Mo., February 6.

Blank, the artist, says that M. F. Rosin, who is charged with stealing a picture of Mrs. Chloe Bacon's baby, is employed by his concern, but says Rosin is a canvasser for a Chicago art company.

**SOCIAL AND PERSONAL.****Items of Interest About Topeka People and Visitors in Town.**

Miss Libbie Hazlett gave a card party last evening at her home on the corner of Tenth and Taylor streets. Nearly forty young people participated in progressive high life, and when the scores were counted Miss Mabel Knowles and Fred Gillett were awarded prizes for their proficiency, and Miss Grace Fouks and Will Wadsworth bore their defeat most cheerfully. The other guests were: Misses Mabel Quigley, Edna Crane, Lotte Pugs, Grace Lemon, Lillian Whitlock, Anna Whitlock, Vera Low, Grace Webster, Mabel Chase, Lillian Toff, Josineine Shearer, Myrtle Davis, Letta Sexton, Nina Sharfor, Jessie Stewart, Mr. and Mrs. Geo. Seward; Messrs. Arthur Van Vliet, Bert Lemon, Hal Hazlett, Ed Daunton, Oscar Woolverton, Clay Lyon, Frank Sheldon, Chas. Keefer, Dean Low, Walter Smith, Bert Hazlett and Clyde Grubbs.

**Shearer-Sloane.**

A wedding occurred on Thursday evening at the residence of Rev. S. F. Sloane. His daughter, Miss Mollie, being united in marriage to Mr. Willard U. Shearer. Rev. Mr. Sloane officiated and the bride and groom were attended by Miss Jessie Burgess and Mr. S. J. Hodges. The wedding march was played by Miss Gertrude Johnston.

On account of the serious illness of the bride's sister, Mrs. O. J. Hill, who is visiting her parents only a few intimate friends and relatives witnessed the ceremony. The presents were numerous and costly and congratulations were received from friends throughout the state as well as from Ohio and Pennsylvania. Mr. and Mrs. Shearer will be at home after January 10.

**D. H. Strawbridge.**

Some of the members of Loveland Lodge, No. 83, D. H. participated in a straw ride Thursday evening, going to John Lund's farm, three and a half miles from town. The company consisted of Messrs. and Misses A. J. Loveland, Bennett, McRay, French, Tifford, Dryer, Misses Agda and Emma Nelson, Dallas Tifford, Rose Loveland and Misses A. Nelson, E. S. French and G. Dryer. The lodge will give a masquerade ball, January 10.

**Farewell Party.**

A pleasant farewell party was given by Mrs. Reese of Topeka, Kan., for W. O. Elvekote of Berryton, who leaves Monday for Cincinnati, O. The evening was spent in playing games until 10:30, when they went to the dining room and partook of a delightful supper served by Mrs. Reese and Mrs. Hawke. Among those who were present from Topeka were Misses Clara and Sara Denner, Lydia and Nellie Hicks. The other guests were: Misses Teagle, Faz, Alice Carnahan, Clara Hawke, Nina Carlisle, Mrs. Hylda Peterson, Anna Sheldon, Mrs. Bird Marion, Hawkins, F. W. Lawrence, C. Hawke, G. Dean and B. Thresher.



EUGENE KELLY.

as a luxury he could not afford, though he always lived on his rent roll and was never obliged to engage in business of any kind.

Eugene Kelly was fairly well provided for when he came to this country 60 years ago and took a clerkship in the store of Dounelly & Co., in New York city. He soon went west to Kentucky and afterward to St. Louis, where he married and soon became a widower. Mr. Kelly established the New York house of Eugene Kelly & Co. in 1856 and in 1857 married Miss Margaret Hughes, a niece of the late archbishop of New York. When the gold fever broke out in California, he assisted in establishing at San Francisco the banking house of Donohoe & Kelly, a firm that still exists. All of Mr. Kelly's business ventures have been very prosperous, and he retires with a fortune estimated at \$10,000,000.

Mr. Kelly has always been an earnest Catholic, and a few years ago Pope Leo XIII appointed him chamberlain of the cap and sword, an honor which has been conferred upon but two Americans, Mr. Kelly was compelled to decline, as his health would not permit a journey to Rome.

J. B. Mills has gone to Chicago.

John Harrison entertained a few friends last evening.

Miss Mary Roberts returned yesterday to Notre Dame.

Miss Nina Gillett gave a tea party last evening for Miss Alice Davison, of Chicago.

Mr. John Hodge has returned from Manhattan.

F. P. Lindsay went to Akron, O., yesterday.

Miss Haynes, who has been the guest of the Misses Moon, returned yesterday to Sabeta.

Miss Jessie Barnes has returned to Kansas City.

Bishop Vincent will also be asked to preach on the same subject under the auspices of the league.

**SERMONS ASKED FOR**

On the Present Condition of Society and the Church.

At the meeting of the Populist League last evening, at their rooms on East 14th street, a resolution was adopted asking that the programme committee, of which Dr. McElhinny is a member, personally visit the ministers of the city and ask them to preach upon the present social and industrial conditions and the causes of the present poverty and misery.

The committee will not ask that they preach on any special Sunday.

Bishop Vincent will also be asked to preach on the same subject under the auspices of the league.

**THE DUMP ON FIRE.**

Toons of Refuge Above Threaten to Set Fire to Buildings.

Miss Maude Stuey will leave soon for a visit in Junction City.

Mr. and Mrs. N. F. Conkle gave a party last evening for their daughter Ada.

Mrs. O. L. McCartney of Omaha, is visiting in the city.

A popular young lady in the Santa Fe office will be married next month to a young man on the Chicago Tribune.

Miss W. S. Charles gave a party yesterday afternoon for her little daughter.

Miss Mamie Holton, the guest of Miss Alice Atwood, has returned to Manhattan.

Earl Fox returned to his home in Abilene Wednesday.

J. K. Austin of Kansas City, was in town yesterday.

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